

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.97402

Benjamin Caplan
3008 3rd Avenue
Baltimore, MD 21234

3008 3rd Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on August 30, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) 13-7-310(a), failure to remove trash and rubbish; (BCC) 13-7-312(a), failure to remove lumber, brush, and other related material, failure to stack wood at least 18 inches off the ground; (BCC)13-7-401, 13-7-402, 13-7-403, failure to cut and maintain grass and rank vegetation to 3 inches or less on residential property.

On August 15, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 1,000.00 (One thousand dollars)

The following persons appeared for the Hearing and testified: Jerry Caplan, Benjamin Caplan, Respondent; Keith Parker, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint, the subject property was inspected on 7/12/11 and the presence of tall grass in excess of that permitted, significant junk, trash, and debris, including a door, screens, wood and other miscellaneous items were noted on the ground of the site. An untagged vehicle was also on the property A Correction Notice was issued. A re-inspection 7/28/11 revealed that the vehicle now had tags and some efforts at cleaning the property had begun. However, subsequent

re-inspections of 8/8/11 and 8/15/11 showed no change and a Citation was issued. A pre-hearing inspection was carried out 8/29/11, but no change or improvement was noted. The Respondent testified that he is employed on a seasonal basis and only has the ability to do work on the property in the summer.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a penalty be imposed in the amount of \$ 1,000.00 (One thousand dollars).

IT IS FURTHER ORDERED that \$800.00 of the \$1,000.00 penalty be suspended.

IT IS FURTHER ORDERED that the remaining \$800.00 will be imposed if the property is not brought into compliance by October 15, 2011.

IT IS FURTHER ORDERED that the remaining \$800.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15th day of September 2011

Signed: Original signed 09/15/11
Lawrence Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

TMK/lmw